

Richmond Division

Criminal No. 3:13-CR-022

According to Fourth Circuit case law, before a court may seal any court documents the court must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents,

and (3) provide specific reasons and factual findings supporting its decision to seal and for rejecting the alternatives. *Ashcroft v. Conoco*, 218 F.3d 288, 302 (4th Cir. 2000).

The exhibit at issue in this motion is a Psychosexual Evaluation report performed on the defendant by Evan S. Nelson, Ph.D., ABPP, CSOTP, and it contains confidential, sensitive, and personal information about him and his family. Placing this exhibit UNDER SEAL will protect the defendant's and his family's privacy, and any and all medical information as protected by the Health Insurance Privacy and Portability Act (HIPPA).

For the foregoing reasons, the defendant requests that this Court grant his Motion to Seal his Psychosexual Report which is an exhibit to the defendant's Sentencing Position.

Respectfully Submitted,
DAVID EDWARD SLEEZER

By _____/s/_____
Michael HuYoung, Esquire, VSB # 22095
Barnes & Diehl, P.C
6806 Paragon Place, Suite 110
Richmond, VA 23230
Counsel for the Defendant
Phone: (804) 762-9500
Fax: (804) 762-9654
Email: mhuyoung@BarnesFamilyLaw.com

CERTIFICATE

I hereby certify that on this ____8th____ day of July, 2013, I electronically filed the foregoing with the Clerk of Court using CM/ECF system, which will send a notification of such filing (NEF) to the following:

Brian R. Hood, Esquire
Assistant United States Attorney
United States Attorney's Office
600 E. Main Street, Suite 1800
Richmond, Virginia 23219-2447
Phone: (804) 819-5400
Fax: (804) 771-2316
Email: Brian.Hood@usdoj.gov

Samuel E. Fishel, Esquire, VSB # 48280
Senior Assistant Attorney General Chief
Computer Crime Section Virginia Attorney General's Office
900 East Main Street
Richmond, Virginia 23219
Phone: (804) 786-3870
Fax: (804) 786-0142
Email: sfishel@oag.state.va.us

Patrick Raible
Christopher Zychowski
United States Probation Officers
Suite 1150
701 East Broad Street
Richmond, Va. 23219
Phone: (804) 916-2520
Fax: (804) 916-2550
Email: Patrick_Raible@vaep.uscourts.gov
Christopher_Zychowski@vaep.uscourts.gov

/s/
Michael HuYoung, Esquire, VSB # 22095
Barnes & Diehl, P.C
6806 Paragon Place, Suite 110
Richmond, VA 23230
Counsel for the Defendant
Phone: (804) 762-9500
Fax: (804) 762-9654
Email: mhuyoung@BarnesFamilyLaw.com